

APPEAL NO. 032691
FILED NOVEMBER 24, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 16, 2003. With respect to the issues before her, the hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 17th and 18th quarters. In his appeal, the claimant asserts that the hearing officer erred in determining that he is not entitled to SIBs for the quarters at issue, arguing that he satisfied the good faith job search requirement of Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(e) (Rule 130.120(e)) by looking for work every week of the qualifying periods for the 17th and 18th quarters. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____; that he reached maximum medical improvement on March 29, 1998, with an impairment rating of 18%; that he did not elect to commute his impairment income benefits; that the 17th quarter of SIBs ran from April 7 to July 6, 2003, with a corresponding qualifying period of December 24, 2002, to March 24, 2003; and that the 18th quarter of SIBs ran from July 7 to October 5, 2003, with a corresponding qualifying period of March 25 to June 23, 2003. The hearing officer did not err in determining that the claimant is not entitled to SIBs for the 17th and 18th quarters. Eligibility criteria for SIBs entitlement are set forth in Section 408.142(a) and Rule 130.102. The SIBs criterion in issue is whether the claimant made a good faith effort to obtain employment commensurate with his ability to work during the relevant qualifying periods. The hearing officer determined that the claimant did not look for work in each week of the qualifying periods for the 17th and 18th quarters. The evidence supports the hearing officer's determination in that regard. Accordingly, the hearing officer did not err in determining that the claimant did not satisfy the good faith requirement under Rule 130.120(e), which specifically requires that "an injured employee who has not returned to work and is able to return to work in any capacity shall look for employment commensurate with his or her ability to work every week of the qualifying period and document his or her job search efforts."

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **SERVICE LLOYDS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH KELLY-GRAY, PRESIDENT
6907 CAPITOL OF TEXAS HIGHWAY NORTH
AUSTIN, TEXAS 78755.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Margaret L. Turner
Appeals Judge

Edward Vilano
Appeals Judge